## TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

March 30, 2006 LB 57

and 23, "during the commission of an assault on a pregnant woman." By the way, that's criminal on since By the way, that's criminal or civil, from my perspective. So it, in other words, in the event you are assaulting, civilly or criminally, a woman and these injuries take place to the unborn child, the crime is committed or the careless act has been committed. I'll tell you what I think that means. I think it means that if the husband, who stupidly...and the wife, the husband and wife who stupidly engage in, let's say, inappropriate sex past a point of some safety, while they've done something for which they will suffer personal consequences, have not committed a crime. And neither one of them have committed a crime; neither the husband or the wife. Why? Well, because the wife was not assaulted. It was a voluntary, consensual act. And I don't think we want to criminalize marital relations even when they're ill-advised, stupid, and negligent. I think that's someplace else in the code rather than the criminal statutes in that case. In other words, consensual acts between married partners. I will be happy to say that this language applies to both. For example, when a drunk driver hits a woman, that also works, from my purposes, for hitting the unborn child to get to the careless act. That means the same to me. Using the fact that this is both criminal and civil, from my perspective, I think we cover the entire act, although I confess it probably could be drafted better. In the end, my goal is to tie these two interests together sufficiently to say that it must be a nonconsensual act that produces this injury, nonconsensual to the mother that produces this injury to the unborn child. So that you understand this is not an amendment that is designed to simply flummox us structurally or time wise, adopt the amendment, and I'll vote for the bill. That means that it's not done simply for the purpose of spending time and being a hurdle to the bill. saying, acknowledge that the woman's interest is a legitimate part of this, that there needs to be an assault on the woman as we get to the problem of the injury to the unborn child using the language of the proponents, and I could vote for the bill and wouldn't oppose cloture if we got there. I want the woman's role and interest to be acknowledged. amendment does that. Thank you.

SENATOR CUDABACK: Thank you, Senator. You've heard the opening